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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,951	12/08/2003	Kouichi Sugiyama	00862.023356.	9003
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EXAMINER				
THOMAS, ASHISH				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,951

Applicant(s)

SUGIYAMA, KOUICHI

Examiner

ASHISH K. THOMAS

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI-108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 7, 8, 10, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Noda(U.S. 6,267,517).

Regarding claim 1, Noda teaches a method of controlling printing in an information processing apparatus(**print server 208 in figure 1**) communicating with a printing apparatus(**printer 220 in figure 1**), comprising: a first generation step of combining a plurality of print jobs including print data for printing pages of a document and banner print data for banner printing to generate combination print data in which the print data has been combined without using the banner print data(**Column 5, lines 10-30 details a method that combines print jobs from the same user. This reads on the first generation step.**); a second generation step of generating new banner print data for the combination print data generated in the first generation step(**Column 5, lines 10-30 also teaches a method that creates one banner page for the combined**

print jobs.); an output step of outputting the combination print data and new banner print data to the printing apparatus as a single print job(column 5, lines 10-30).

Regarding claim 2, Noda further teaches a method wherein, in the first generation step the combination print data is generated by disabling data on execution of banner printing included in the plurality of print jobs. **(Column 5, lines 25-28 teaches that only one banner page is made for the combined print jobs. This inherently teaches that the printing of banner page for each of the plurality of print jobs is not performed.)**

Regarding claim 7, it is rejected in the same manner as claim 1. Note that claim 7 teaches an apparatus that corresponds to the method stated in claim 1.

Regarding claim 8, it is rejected in the same manner as claim 1. Note that claim 8 teaches a computer readable storage that stores a program that executes the method stated in claim 1.

Regarding claim 10, Nada further teaches the method wherein the banner print data is data indicating designation of banner printing or banner pages. **(Column 5, lines 1-10 teaches the creation of the banner page. It also teaches the type of data contained in the banner page.)**

Regarding claim 11, it is rejected in the same manner as claim 2. Note that claim 11 teaches an apparatus that corresponds to the method stated in claim 2.

Regarding claim 13, it is rejected in the same manner as claim 10. Note that claim 13 teaches an apparatus that corresponds to the method stated in claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noda(U.S. 6,267,517) in view of well known prior art(official notice).

Regarding claim 3, Noda teaches the subject matter detailed in claim 1.

But Noda is silent on a setting step of setting layout information on a number of pages laid out on a print sheet for the single print job, wherein the layout information is applied to the combination print data without being applied to the banner print data, and the single print job is outputted to the printing apparatus in the output step.

It is well known in the art(official notice) that the layout information for the document part of the print job can be different from the banner portions of the print job.

Therefore, it would have been obvious for one of ordinary skill in the art, at the time of the present invention, to modify Noda with well known prior art to fully realize the method stated in claim 3.

The motivation is to differentiate the banner portion of the print job for stylistic reasons.

Regarding claim 12, it is rejected in the same manner as claim 3. Note that claim 12 is an apparatus claim that corresponds to the method claim stated in claim 3.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHISH K. THOMAS whose telephone number is (571)272-0631. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ashish K Thomas/
Examiner, Art Unit 2625

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625